

Charter

November 16, 2004 — November 16, 2006

NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION REVIEW COMMITTEE

A. OFFICIAL DESIGNATION.

The official designation of the Committee is the Native American Graves Protection and Repatriation Review Committee (Committee).

B. PURPOSE.

The purpose of the Committee is to monitor and review the implementation of the inventory and identification processes and repatriation activities required under sections 5, 6, and 7 of Public Law 101-601.

C. DUTIES AND RESPONSIBILITIES.

The duties of the Committee are solely advisory. Specifically, the Committee will be responsible for:

1. Monitoring and reviewing the implementation of the inventory and identification processes and repatriation activities required under sections 5, 6, and 7 of Public Law 101-601 to ensure a fair and objective consideration and assessment of all available relevant information and evidence;
2. Reviewing and making findings relating to the identity or cultural affiliation of human remains, funerary objects, sacred objects, and objects of cultural patrimony, or the repatriation of such items, upon the request of any affected party;
3. Facilitating the resolution of any disputes among Indian tribes, Native Hawaiian organizations, or lineal descendants, and Federal agencies or museums relating to the repatriation of human remains, funerary objects, sacred objects, and objects of cultural patrimony, including convening the parties to the dispute, if deemed desirable;
4. Compiling an inventory of culturally unidentifiable human remains that are in the possession or control of each Federal agency and museum and recommending specific actions for disposition of such human remains;
5. Consulting with Indian tribes, Native Hawaiian organizations, and museums on matters pertaining to the work of the Committee affecting such tribes or organizations;
6. Consulting with the Secretary in the development of regulations to carry out Public Law 101-601;
7. Performing such other related functions as the Secretary may assign to the Committee;

8. Making recommendations, if appropriate, regarding future care of human remains, funerary objects, sacred objects, and objects of cultural patrimony which are to be repatriated; and
9. Submitting an annual report to Congress on the progress and any barriers encountered in carrying out the Committee responsibilities during the year.

D. MEMBERSHIP.

1. The Committee will be composed of seven members appointed by the Secretary as follows:
 - (a) Three members appointed from nominations submitted by Indian tribes, Native Hawaiian organizations, and traditional Native American religious leaders, with at least two of such persons being traditional Native American religious leaders to represent the interests of Indian tribes, Native Hawaiian organizations, and traditional Native American religions;
 - (b) Three members appointed from nominations submitted by national museum organizations and scientific organizations to represent the interests of such organizations; and
 - (c) One member appointed by the Secretary to represent a category of individuals developed and consented to by the other members of the committee.
2. Terms of appointment will be for 4 years. Reappointment of current members will be for a term of 2 years. All appointments will terminate upon the termination of the Committee. Any vacancy on the Committee will be filled in the same manner in which the original appointment was made within 90 days of the occurrence of such vacancy. If no successor is appointed prior to the expiration of a member's term, then the incumbent may continue to serve until the new appointment is made, provided that a charter under provisions of the Federal Advisory Committee Act is in effect.
3. Any member who fails to attend two successive meetings of the Committee or who otherwise fails to substantively participate in the work of the Committee, may be removed from the Committee by the Secretary and a replacement named.
4. Members of the Committee will serve without pay, but will be reimbursed at a rate equal to the daily rate for Level IV of the Executive Schedule for each day (including travel time) for which the member is actually engaged in Committee business. While away from their homes or regular places of business in the performance of services of the Commission, members will be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in government service are allowed such expenses in accordance with Sections 5703 of Title 5 of the United States Code.
5. The Secretary will establish such rules and regulations for the Committee as are necessary. The Secretary may not appoint Federal Officers or employees to the Committee.

E. ETHICS RESPONSIBILITIES OF MEMBERS.

A member may not participate in matters that will directly affect, or appear to affect, the financial interests of the member or the member's spouse or minor children. Compensation from employment does not constitute a disqualifying financial interest so long as the matter before this Committee will not have a special or distinct effect on the holder of the financial interest. The provisions of this paragraph do not affect any statutory or regulatory ethical obligations to which a member may be subject.

F. ADMINISTRATION.

1. CHARTER. The Committee is subject to the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. Appendix (1994). The Committee will take no action unless the charter filing requirements of sections 9 and 14(b) of FACA have been complied with. This charter is for the period November 16, 2004, to November 16, 2006.
2. DESIGNATED FEDERAL OFFICER. The Committee reports to the Secretary of the Interior, United States Department of the Interior, 1849 C Street, NW, Washington, DC 20240. The Manager, National NAGPRA program, National Park Service, or a designee will serve as the Designated Federal Officer (DFO) required by section 10 of FACA to oversee the management of the Committee.
3. CHAIRPERSON. The Committee will designate one member to be Chairperson.
4. SUPPORT AND COST. Support for the Committee is provided by the U.S. Department of the Interior, National Park Service, Office of the Director. The estimated annual operating cost of the Committee is \$150,800, which includes the cost of 1.75 work-years of staff support.
5. MEETINGS. The Committee will meet approximately two times a year, although it may convene more often if there is an immediate need for consultation, advice and review. All meetings of the Committee will be subject to the provisions FACA, 5 U.S.C. Appendix (1994). No Advisory Committee member, and no member of any subgroup of this Committee, shall participate in any matter in which the member has a financial interest.
6. SUBCOMMITTEES. The Committee may create subcommittees from among its membership supplemented when appropriate by members of the public, provided that the role of such subcommittees will be solely to gather information or conduct research for the Committee, to analyze relevant issues and facts, or to draft proposed position papers for deliberation by the Committee. Membership on all subcommittees will be determined by the Chairperson, subject to the concurrence of the Designated Federal Official. Subcommittees will meet as necessary, subject to the approval of the Designated Federal Official.

7. QUORUM. A quorum is a simple majority of the Committee members, provided that the quorum includes at least one member who was nominated for Committee membership by an Indian tribe or Native Hawaiian organization and one member who was nominated for Committee membership by a national museum and scientific organization. A quorum is required at all times during a meeting. When less than a quorum is present, the Designated Federal Officer will terminate the meeting, and the meeting may resume only when a quorum is present and the chair and the Designated Federal Officer agree to resume the meeting.

G. DURATION AND DATE OF TERMINATION.

In view of the objectives, scope and purposes of the Committee, it is expected to continue into the foreseeable future. The Committee will terminate at the end of the 120-day period beginning on the day the Secretary certifies, in a report submitted to Congress, that the work of the Committee has been completed.

H. AUTHORITY.

The Native American Graves Protection and Repatriation Review Committee is established by authority of Section 8 of Public Law 101-601, November 16, 1990.

/s/ Gale A. Norton

Nov. 18, 2004

Secretary of the Interior

Date Signed

DATE CHARTER FILED Nov. 18, 2004